

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

CO1, et al.,

Defendants.

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No. 4:20-CV-1903 NCC

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On February 5, 2021, the Court directed plaintiff to file an amended complaint within twenty-one days. ECF No. 4. Plaintiff has failed to comply. Therefore, for the reasons discussed below, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b).

Background

Plaintiff is a self-represented litigant who filed this civil action on December 11, 2020. Plaintiff's complaint was handwritten on four pages of notebook paper and named more than forty (40) defendants: CO1; CO2; SG; LT; Corpel; Captin; Major; FUM; CCM; CCM Assist; Superintendent; Superintendent Assist; Assist Warden; Warden; CCA; ERDCC; IPO; IPO Supervisor; P&P Director; P&P Assist Director; P&P; MODOC; MODOC Director; MODOC Assist Director; Assist Att General; Att General; Lt Govener; Governor; House Rep MO; Sentor MO; Corizon Health Care; Corizon Director; Corizon Asst Director; Corizon Assist Superintendent; Corizon Superintendent; Corizon Supsivor ERDCC; Corizon ERDCC; Corizon Doctor; Corizon Nurse Practitioner; Corizon RN; Corizon LPN; Corizon CNA; and Corizon Med

Tec; Corizon Chronic Care.¹ The complaint was one of more than one hundred and thirty (130) civil rights actions that plaintiff filed in this Court since September of 2020.

Plaintiff alleged his claims as follows:

[H]ave to sleep cureld [sic] up in a Ball on my Left side sever [sic] pain. Corizon & MODOC ERDCC Refuse to treat me then put me in their Quertiane [sic] Wing so I run the chance of getting Corma [sic] also I need help. I'm a sourvin [sic] Citiz[e]n.

...

This is in Regards to on [sic] this Date 11-24-20 my insides feel like their [sic] on fire, can't hold nothing Down Puking Blood, shitting Blood Clear liquid, uncontrol[a]ble shakes, SWEATS, night Trumors [sic].

ECF No. 1 at 1-2. Plaintiff provided no additional facts and did not indicate the relationship between the numerous defendants and his statement of the claim. Plaintiff did not allege exactly who at the prison purportedly violated his rights, how he was refused treatment, or that each named defendant actually knew he was experiencing a medical condition.

On February 5, 2021, the Court directed plaintiff to file an amended complaint. ECF No. 4. In so doing, the Court noted plaintiff's complaint was subject to dismissal because he did not explain how his rights were violated, who purportedly violated his rights, and how the named defendants were directly involved in or personally responsible for the alleged violations. Plaintiff was given twenty-one days in which to file an amended complaint. Plaintiff was also directed to either file a motion to proceed in forma pauperis on a Court-provided form or pay the full filing fee. He was advised that failure to respond would result in the dismissal of this action without prejudice and without further notice.

¹ The Court has listed the defendants in the same manner in which plaintiff has spelled and/or abbreviated their names in the handwritten complaint.

Discussion

As stated above, on February 5, 2021, the Court ordered plaintiff to file an amended complaint and motion to proceed in forma pauperis within twenty-one (21) days. The filings were due on February 26, 2021. On March 1, 2021, the Court's Order was returned as "undeliverable." ECF No. 5. The Clerk of Court verified with the Missouri Department of Corrections that plaintiff was still incarcerated at the Missouri Eastern Correctional Center. *Id.* On the same day the Order was returned, the Clerk of Court resent it to plaintiff. As a result of the mailing issue, the Court determined not to dismiss the instant case until at least twenty-one (21) days had passed from March 1, 2021.

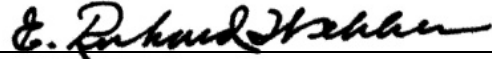
As of the date of this Order, Plaintiff has not filed an amended complaint or a motion to proceed in forma pauperis as directed. Plaintiff did not pay the Court's filing fee. Further, he has not filed a motion with the Court seeking an extension of time in which to comply. Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See Fed. R. Civ. P. 41(b).* *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a self-represented litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's Order of February 5, 2021, or filed any motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of February 5, 2021. *See Fed. R. Civ. P. 41(b).* A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 13th day of April, 2021.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE